

Bradford J. Sandler, Esq. (NY Bar No. 4499877)
Ilan D. Scharf, Esq. (NY Bar No. 4042107)
Jason S. Pomerantz, Esq. (Admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
780 Third Avenue, 34th Floor
New York, New York 10017
Telephone: (212) 561-7700
Facsimile: (212) 561-7777

Counsel to Plaintiff RDC Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

In re:

ROCHESTER DRUG CO-OPERATIVE, INC.

Debtor.

Chapter 11

Case No. 20-20230 (PRW)

Advisory Trust Group, LLC, as trustee of the RDC
LIQUIDATING TRUST,

Plaintiff,

v.

NEPHRON PHARMACEUTICALS
CORPORATION,

Defendant.

Adv. Proc. No. 22-02069 (PRW)

**CERTIFICATION AND REPORT OF RULE 26(f) FRCP/RULE 7026 FRBP
CONFERENCE AND DISCOVERY PLAN**

Advisory Trust Group, LLC, in its capacity as the Liquidating Trustee of the RDC Liquidating Trust (“**Plaintiff**”) and Nephron Pharmaceuticals Corporation (“**Defendant**”) submit the following report and discovery plan in accordance with the Rule 7026 of the Federal Rules of Bankruptcy Procedure (“**FRBP**”), incorporating Rule 26 of the Federal Rules of Civil Procedure (“**FRCP**”), and the Court’s guidelines.

1. **Certification Concerning Discovery Plan.**

A discovery plan is needed or useful in this case and is outlined below.

2. **Certification of Conference.** Pursuant to Rule 26(f) FRCP/Rule 7026 FRBP, a meeting was held on April 28, 2022 by telephone and was conducted by the undersigned counsel for the designated parties in this adversary proceeding.
3. **Pre-Discovery Disclosures.** The information required by Rule 26(a)(1) FRCP and Rule 7026 FRBP will be exchanged by May 12, 2022.
4. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:
- a. All non-expert discovery will be completed by August 31, 2022.
 - b. All expert witness disclosures required by Rule 26(a)(2) will be exchanged by September 9, 2022. Any expert report intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C) must be disclosed by October 31, 2022. All expert witness discovery will be completed by December 30, 2022.
 - c. Discovery limits:
 - i. Non-expert discovery: maximum of 3 depositions by each party.
 - ii. Expert discovery: shall be conducted as necessary. At this time, the parties anticipate no more than one expert each.
5. **Dispositive Motions.** All potentially dispositive motions should be filed by August 31, 2022, and not before completion of the Rule 16 Conference.
6. **Settlement:**
- [☐] is likely.
 - [☐] is unlikely.
 - [☐] cannot be evaluated prior to _____ (date).
 - [☐] the parties consent to the Court's active participation in settlement discussions.
 - [☒] the parties continue to discuss settlement, and it is unclear at this time whether the matter will settle.

[Remainder of Page Intentionally Left Blank]

7. **Trial**. The case should be ready for trial by February 1, 2023 and should take 1-2 days.
8. All parties consent to this Court entering final judgment.

Date: May 2, 2022

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Jason S. Pomerantz

Ilan D. Scharf (NY Bar No. 4042107)

Jason S. Pomerantz (CA Bar No. 157216)

780 Third Avenue, 34th Floor

New York, NY 10017

Telephone: (212) 561-7700

Email: ischarf@pszjlaw.com

jspomerantz@pszjlaw.com

Counsel to Plaintiff RDC Liquidating Trust

Date: May 2, 2022

NEXSEN PRUET, LLC

/s/ Carl H. Petkoff

Julio E. Mendoza, Jr. (Admitted Pro Hac Vice)

Carl H. Petkoff (Admitted Pro Hac Vice)

1230 Main Street, Suite 700

Columbia, SC 29201

Telephone: (803) 540-2189

Email: RMendoza@nexsenpruet.com

CPetkoff@nexsenpruet.com

Counsel to Defendant Nephron Pharmaceuticals Corporation